

## REMARKS

The Office Action mailed January 23, 2008 has been received and the Examiner's comments carefully reviewed. No new matter has been added. Favorable reconsideration of this application is requested in view of the following remarks.

### *Double Patenting*

In the Office Action, claims 68-79 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 7,311,550. The Office Action states that, although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claimed invention is broader in scope than the patent claims and therefore is an obvious variation of the patent claims. Applicants respectfully traverse this rejection.

Claims 68-79 of the present application and claims 1-9 of U.S. Patent No. 7,311,550 are directed at different inventions and the instant claimed invention is not necessarily broader in scope than the claims of U.S. Patent No. 7,311,550.

Claims 1-9 of U.S. Patent No. 7,311,550 are directed to a jack assembly including an upper set of jacks and a lower set of jacks, wherein a jack of the upper set is vertically offset, horizontally offset, and staggered at different depths from front to back with respect to an adjacent jack of the lower set such that the jacks of the upper set are positioned directly above air gaps defined between jacks of the lower set. The air gaps are created by the front to back staggered configuration of the upper jacks relative to the lower jacks and vice versa.

Even though claims 68-79 of the present application are broader in a sense than the claims of U.S. Patent No. 7,311,550 since claims 68-79 do not require a three-way offset relationship between the upper set of jacks/receptacles and the lower set of jacks/receptacles, there are also aspects of claims 68-79 that are not recited or required in the claims of U.S. Patent No. 7,311,550. For example, unlike the claims of U.S. Patent No. 7,311,550, claims 68-79 of the present application require the jacks/receptacles of the upper set to have no portions that overlap with the jacks/receptacles of the lower set. Thus, claims 68-79 can be said to be neither broader

nor narrower in scope than claims 1-9 of U.S. Patent No. 7,311,550. The two sets of claims are different in scope and are directed at different inventions and are not obvious variations of each other.

In view of the above remarks, withdrawal of the double patenting rejection is respectfully requested.

***Claim Rejections - 35 USC § 103***

In the Office Action, claims 68-79 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Karan et al. (U.S. Patent No. 4,932,051) in view of Daoud et al. (U.S. Patent No. 6,325,634) or Meckley (U.S. Patent No. 6,267,628). The Applicants respectfully traverse this rejection.

Independent claims 68 and 71 share similar features and will be addressed together.

Independent claims 68 and 71 recite, among other features, a telecommunications device with a panel including a first end and a second end, the panel including mounting flanges at the first and second ends thereof, the mounting flanges including fastener openings for mounting the panel to a telecommunications rack. The panel recited in claims 68 and 71 includes a first plurality of jacks/receptacles and a second plurality of jacks/receptacles, the second plurality of jacks/receptacles being positioned entirely below the first plurality of jacks/receptacles, the first plurality of jacks/receptacles defining a first set of gaps between the jacks/receptacles, the second plurality of jacks/receptacles defining a second set of gaps between the jacks/receptacles, wherein the jacks/receptacles of the second plurality are centered directly below the first set of gaps such that none of the jacks/receptacles of the second plurality include portions that overlap with the jacks/receptacles of the first plurality and wherein the jacks/receptacles of the first plurality are centered directly above the second set of gaps such that none of the jacks/receptacles of the first plurality include portions that overlap with the jacks/receptacles of the second plurality.

None of Karan, Daoud, or Meckley, either alone or in a reasonable combination with one another, discloses or suggests a telecommunications device that has each and every feature recited in claims 68 and 71.

The Office Action states on page 4 that the Karan reference fails to disclose a panel wherein none of the jacks of the second plurality include portions that overlap with the jacks of the first plurality located directly above the second plurality and none of the jacks of the first plurality include portions that overlap with the jacks of the second plurality located directly below the first plurality. The Office Action further states that the Daoud reference discloses that a distance between the adjacent connectors can be sufficiently increased in order to minimize or even eliminate crosstalk and that the Meckley reference discloses a multi-level multi-port jack housing having jacks wherein the jacks are desirable to space or distance from one another as much as possible to reduce crosstalk between the jacks and therefore it would have been obvious to one of ordinary skill in the art to modify the Karan apparatus by providing a sufficient distance between adjacent jacks as taught by Daoud and Meckley in order to effectively minimize crosstalk.

The Applicants respectfully disagree with the above characterization of these prior art references. While the Applicants agree that moving the conductors away from one another will lead to a reduction in crosstalk, the Applicants do not agree that, without the benefit of the Applicant's own disclosure, it would have been obvious to space out the distances of the jacks in Karan to the level recited in claims 68 and 71. The Applicants also do not agree that by looking at the disclosures of Daoud and Meckley, one of ordinary skill in the art would have been motivated to modify the apparatus of Karan to increase the distances between the jacks in Karan to the level recited in claims 68 and 71 and that this would have been considered an obvious minor adjustment without patentable significance. If that were indeed the case, there is no reason why none of Karan, Daoud, Meckley, or any other prior art reference of record, shows a panel design wherein the jacks/receptacles are configured as recited in claims 68 and 71.

The reduction in crosstalk is not the only criteria in designing telecommunications jack panels. Density in telecommunications is a serious concern that has to be dealt with in addition to reduction in crosstalk. This is highlighted in both Daoud's and Meckley's disclosures.

Although the Applicants agree that it is stated in Daoud that by increasing the distance between vertically adjacent protectors, the amount of crosstalk can be minimized, it is also specifically stated in Daoud, in column 3, lines 27-29, that "...the configuration shown in FIG. 6 disadvantageously take up more space and therefore more expensive."

A similar statement also appears in the disclosure of Meckley. Although it is stated in Meckley that it is desirable to space or distance the contact or terminal members from one another as much as possible, it is also specifically stated in Meckley, in column 2, lines 54-58, that "...as the size of electronic components has become reduced with advances in semiconductor technology, it has become increasingly necessary to increase the number of modular connector ports which can be mounted in a given area."

These above statements should be given great weight. The concept of preserving high density of connectivity is explicitly and clearly highlighted by these two references and a large horizontal offset is clearly taught away from by the disclosures of these two references.

The above statements that appear in the disclosures of Daoud and Meckley explain the very reason that, even though both Daoud and Meckley discuss the importance of increasing distance in reducing crosstalk, neither the Daoud nor the Meckley design includes a configuration that comes close to having the offsets required by the Applicant's inventions of claims 68 and 71. In view of their disclosures, neither the Daoud nor the Meckley reference provides a suggestion or a motivation to modify the apparatus of Karan to configure a telecommunications apparatus with jacks/receptacles that are offset to the levels recited in claims 68 and 71. To the contrary, these two references teach away from a telecommunications device such as recited in claims 68 and 71.

For at least the reasons stated above, independent claim 68 and dependent claims 69 and 70 that depend from independent claim 68 and independent claim 71 and dependent claims 72-79 that depend from independent claim 71 are patentable over Karan in view of Daoud or Meckley.

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct.

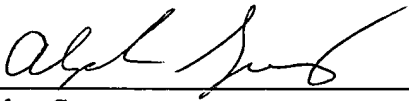
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The Applicants reserve the right to raise these arguments in the future. The Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

Respectfully submitted,

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